

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ANDREW C. HRUBY,

Plaintiff,

vs.

MARCUS HODGE, COUNSELOR  
STRUBHART, FUNK, UNKNOWN PARTY,  
and NURSE SELLERS,

Defendants.

Case No. 12-cv-981-JPG

**MEMORANDUM AND ORDER**

This matter comes before the Court on plaintiff Andrew C. Hruby's motions to stay proceedings (Doc. 126) and for an extension of time to file an objection to Magistrate Judge Frazier's Report and Recommendation (Doc. 127).

Hruby, currently incarcerated at Menard Correctional Center, asks this Court to stay this case until he is placed on supervised release beginning April 9, 2013. In support of his motion, he cites to the difficulties he has litigating this case from prison, lost legal property during recent transfers, difficulty communicating with an incarcerated witness, and delays in receiving research from the law library.

A district court's power to stay proceedings is "incidental to the power inherent in every court to control the disposition of the causes on its docket with the economy of time and effort for itself, for counsel, and for litigants." *Landis v. North Am. Co.*, 299 U.S. 248, 254 (1936).

The party requesting a stay "must make out a clear case of hardship or inequity in being required to go forward, if there is even a fair possibility that the stay for which he prays will work damage to some one else." *Id.*

Here, Hruby has failed to show that he will suffer a hardship or inequity that is out of the ordinary for any prisoner litigating a case. All prisoners litigating cases are burdened by the restrictions necessarily incident to prison life, such as certain limitations on research. Further, Hruby has shown he is capable of litigating this case up to this point and has filed motions for extensions of time when necessary.

Accordingly, the Court **DENIES** Hruby's motion to stay proceedings (Doc. 126). The Court, however, **GRANTS** Hruby's motion for an additional thirty days to respond to Judge Frazier's Report and Recommendation (Doc. 127). Hruby shall file any response to Judge Frazier's Report and Recommendation (Doc. 125) on or before November 12, 2013.

**IT IS SO ORDERED.**

**DATED:** October 17, 2013

s/ J. Phil Gilbert  
**J. PHIL GILBERT**  
**DISTRICT JUDGE**